

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY MARTIN,

Plaintiff,

vs.

CITY OF LAS VEGAS, FREEMONT STREET  
EXPERIENCE,

Defendants.

Case No. 2:05-cv-01378-RLH-PAL

**FINDINGS AND RECOMMENDATION**

(Order - #10)

This matter is before the court on the plaintiff's failure to respond to the Order to Show Cause (#9) and the court's Orders (##7, 10) that he file a certificate of interested parties.

**FINDINGS**

1. The plaintiff failed to file a certificate of interested parties pursuant to LR 10-6, resulting in an Order (#7) that he do so no later than 4:00 p.m. on March 3, 2006. In that Order plaintiff was also warned that a failure to comply might result in the issuance of an order to show cause why sanctions should not be imposed.
2. On March 8, 2006, the court issued an Order to Show Cause (#9) for the plaintiff's continued failure to file a certificate of interested parties, and for his failure to comply with the court's prior Order (#7). The plaintiff was required to show cause in writing no later than March 24, 2006 why sanctions should not be imposed for his failure to file a certificate of interested parties.

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3. On April 5, 2006, the court issued another Order (#10) requiring the plaintiff to file a certificate of interested parties no later than April 17, 2006. In that same Order, plaintiff was warned that a failure to timely comply would result in the recommendation to the District Judge that his case be dismissed.

4. To date, the plaintiff has not filed a certificate of interested parties.

Local Rule 10-6 requires parties upon entering a case to file a certificate listing all persons, associations of persons, firms, partnerships, or corporations known to have an interest in the outcome of the case. When the plaintiff did not file such a certificate, the court issued an Order (#7) requiring him to do so no later than March 3, 2006. The Order warned plaintiff that a failure to comply might result in the issuance of an order to show cause why sanctions should not be imposed for his failure to file a certificate of interested parties. When the plaintiff did not file a certificate of interested parties by the date imposed in the court's Order (#7), the court issued an Order to Show Cause (#9). The Order to Show Cause required the plaintiff to show cause in writing no later than March 24, 2006 why sanctions should not be imposed for his failure to file a certificate of interested parties. The plaintiff's continued failure to file a certificate of interested parties, coupled with his failure to respond to the Order to Show cause prompted another Order (#10) requiring him to file a certificate of interested parties no later than April 17, 2006. The Order also stated that plaintiff's failure to timely comply with its provisions would result in the recommendation to the District Judge that his case be dismissed. Despite the specific language of the Local Rule and three court orders, the plaintiff has not filed a certificate of interested parties.

Accordingly, having reviewed and considered the matter, and for the reasons set forth in these findings,

**IT IS THE RECOMMENDATION** of the undersigned United State Magistrate Judge that the complaint in this action be dismissed for plaintiff's failure to comply with the court's prior orders (## 7, 9, 10) and to file a certificate of interested parties.

## NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served

1 with these findings and recommendations, any party may file written objections with the court.  
2 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and  
3 recommendations of a magistrate judge shall file and serve *specific written objections* together with  
4 points and authorities in support of those objections, within ten (10) days of the date of service of the  
5 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's  
6 Findings and Recommendations." The parties are advised that failure to file objections within the  
7 specified time may waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d  
8 1153 (C.A.9 1991). The points and authorities filed in support of the specific written objections are  
9 subject to the page limitations found in LR 7-4.

10 Dated this 4th day of May, 2006.

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13 PEGGY A. LEEN  
14 UNITED STATES MAGISTRATE JUDGE  
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